

Karen O'Kasey, OSB No. 870696  
E-mail: [kok@hartwagner.com](mailto:kok@hartwagner.com)  
HART WAGNER LLP  
1000 S.W. Broadway, Twentieth Floor  
Portland, Oregon 97205  
Telephone: (503) 222-4499  
Facsimile: (503) 222-2301

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

TYLER MILLER, an individual

Plaintiff,

v.

HENRY HEIMULLER, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; BRUCE HOLSEY, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; JEFF FLATT, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; and SHELLEY HENNESSY, in her official capacity as Board Member of the Columbia 9-1-1 Communications District,

Defendants.

Case No 3:23-cv-00293-SI

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

**JURY TRIAL DEMAND**

In answer to plaintiff's First Amended Complaint, defendants admit, deny, and allege as follows:

**JURISDICTION AND VENUE**

1. Defendants admit that this court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.
2. Defendants admit that this court has personal jurisdiction over defendants.
3. Defendants admit that venue is proper in the Portland Division of the District

Court.

**PARTIES**

4. Defendants admit that plaintiff Tyler Miller is an Oregon citizen who resides in Scappoose, Oregon and who is a member of the Scappoose City Council.

5. Defendants admit that the individual defendants are board members. Defendants further admit that Columbia 9-1-1- Communications District is an Oregon municipal corporation that provides 9-1-1 dispatch and communications services in Columbia County and part of Multnomah County.

**GENERAL FACTUAL ALLEGATIONS**

6. Defendant admits that Columbia 9-1-1 is a district within the meaning of ORS Chapter 198 and that it must comply with Oregon public meetings laws.

7. Defendants admit that the district conducts public Board of Directors meetings, generally once a month. Defendants admit that plaintiff has attended district meetings since 2015. Defendants further admit that before February 23, 2023, neither the district nor any of its directors took any action related to plaintiff's attendance at those meetings.

8. Defendants admit that on January 11, 2023, plaintiff attended a district meeting at which two proposals were discussed.

9. Defendants admit that after the meeting, plaintiff sent an email to several board members and Michael Fletcher, the Executive Director of Columbia 9-1-1.

10. Defendants admit that on January 18, 2023, outside counsel for the district sent a letter to the Scappoose City Council regarding Mr. Miller's January 11, 2023, email.

11. Defendants admit that that same day, the Scappoose city attorney responded to the district's outside counsel requesting that further communications about a new emergency radio

system procurement be directed to him.

12. Defendants admit that on January 20, 2023, the district's outside counsel asked the city council to request that councilor Miller not contact the district's directly, but rather communicate through the Scappoose City Attorney.

13. Defendants admit that on February 17, 2023, plaintiff posted a message on his Scappoose City Council Facebook/Meta account commenting on the district's efforts to obtain a new emergency radio system.

14. Defendants admit that on February 23, 2023, plaintiff was informed that he was banned from attending public district meetings in person and from calling the district's non-emergency dispatch number due to conduct that had created a hostile work environment.

15. Defendants admit that in March of 2023, the district changed to a different Zoom account that allowed the moderator to mute participants and changed the chat feature so that the chats only went to the moderator. Defendants admit that board meetings have been held with this new Zoom account since March of 2023.

16. Except as specifically admitted herein in paragraphs 1 through 15 above, defendants deny each and every remaining allegation of plaintiff's First Amended Complaint and the whole thereof.

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WHEREFORE, having fully answered plaintiff's First Amended Complaint, defendants pray for judgment in their favor, including an award of costs, disbursements and fees.

DATED this 20<sup>th</sup> day of July, 2023.

HART WAGNER LLP

By: /s/ Karen O'Kasey

Karen O'Kasey, OSB No. 870696  
Of Attorneys for Defendants

Trial Attorney: Karen O'Kasey, OSB No. 870696

CERTIFICATE OF SERVICE

I hereby certify that on the 20<sup>th</sup> day of July, 2023, I served the foregoing  
**DEFENDANTS' ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** on the  
following party at the following address:

Clifford S. Davidson  
Drew L. Eyman  
Snell & Wilmer LLP  
1455 SW Broadway Ste 1750  
Portland OR 97201  
*Of Attorneys for Plaintiff*

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Karen O'Kasey  
Karen O'Kasey